



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,523	04/06/2000	MIKEL A. LEHRMAN	ML-1	7812

7590 09/12/2003

ROBERT W MORRIS
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1104

EXAMINER

LINTON, HEDLEY O

ART UNIT	PAPER NUMBER
----------	--------------

2615

B

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Am

Office Action Summary	Application No. 09/544,523	Applicant(s) LEHRMAN, MIKEL A.	
	Examiner Hedley Linton	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4, 6, 8-10, 22, 25-29, and 30-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Hornback (PCT WO 99/56463).

3. Regarding claim 1, the office interprets the word wallet to mean a bag for carrying miscellaneous articles while traveling (Merriam Webster's Collegiate Dictionary, Tenth Edition) and uses this interpretation throughout this action. Hornback discloses a portable electronic photo album comprising: a housing structure that fits within a wallet (figure 3A; page 4 lines 14-15); an electronic display, located within the housing, capable of displaying digital images (figure 3A, item 200); memory, located within the housing, that stores one or more digital images (page 3, lines 1-5); and dedicated processing circuitry, located within the housing and being coupled to the memory and the display, the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in memory in the form of a CPU (figure 4, item 420; page 7 lines 16-18).

4. Regarding claim 4, see examiner's comments on claim 1 above and note that the control buttons or knobs (220) on Hornback's device are used to select stored pictures

for viewing. Therefore the housing clearly includes at least one user input device for advancing which digital image is displayed on the electronic display.

5. Regarding claim 6, see examiner's comments on claim 1 above and note that the display (200) includes a liquid crystal display (page 8, lines 20-21).

6. Regarding claim 8, see examiner's comments on claim 1 above and note that a direct connection between an external optional computer (via various interfaces such as a parallel port or USB) and Hornback's electronic photo album is disclosed and therefore an electrical connector mounted to the housing, and wherein the digital images are loaded into memory via a cable connected to the connector is clearly anticipated by Hornback (figure 4, items 460 and 404; page 7 lines 19-28).

7. Regarding claim 9, see examiner's comments on claim 1 and above and note that Hornback's device may also use an infrared I/O port, wherein the digital images are loaded into memory via the infrared I/O port (page 7, lines 19-28).

8. Regarding claim 10, see examiner's comments on claim 1 and above and note that Hornback's device may accept a flash card and therefore a FLASH memory connector, wherein the digital images are loaded into memory via the a FLASH card connector to the FLASH memory connector would be provided.

9. Regarding claim 22, examiner's comments on claim 1 above are applied.

10. Regarding claim 25, examiner's comments on claims 22 and 8 above are applied.

11. Regarding claim 26, see examiner's comments on claim 25 above and note that since in figure 4 an external storage device such as an electronic camera or any other

data storage is provided to an interface that is linked to the CPU of the photo album then the conventional interface cable is an interface cable that also may be connected to a digital camera.

12. Regarding claim 27, examiner's comments on claims 22 and 9 above are applied.

13. Regarding claim 28, examiner's comments on claims 22 and 10 above are applied.

14. Regarding claim 29, examiner's comments on claims 22 and 10 above are applied. Also since the flash card with stored images is inserted into the photo album then storing is accomplished external to the photo album by loading images into a FLASH card, wherein the processing circuitry extracts images directly from the FLASH card.

15. Regarding claim 30, see examiner's comments on claim 1 above and note that the external storage device (400) interfaced with the photo album may also be a memory card, or any other data storage device capable of storing digital images (figure 4; page 7, lines 12-16).

16. Regarding claim 31, see examiner's comments on 31 above and note that the image data is loaded from the memory card (other sources) into internal storage device (402) and optionally displayed from there (figure 7A, items 710,711 and 200; page 11, lines 22-28) thus the internal storage device includes a display memory and the processing circuitry acts to swap image data from the memory card (other sources) into the display memory for display on the electronic display.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 3, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback as applied to claim 1 above, in view of Rowland et al (US Patent No: 5801970).

19. Regarding claims 2 and 3, Hornback as applied to claim 1 above, discloses all the limitations except wherein the processing circuitry is an application specific integrated circuit (ASIC) as recited in claim 2, and wherein the processing circuitry is a programmable logic device (PLD) as recited in claim 3. However it is well known in the art that an application specific integrated circuit (ASIC) or a programmable logic array is an equivalent substitute for the processing circuitry (CPU) disclosed by Hornback. Rowland et al disclose an invention used to gather image information for scene tracking and teach that the data processor used in the invention may be an off-the-shelf CPU, ASIC, or programmable logic array (see Rowland et al, column 1, lines 1-15; column 4, lines 49-51). Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to use either an ASIC or a programmable logic array (device) in place of the CPU of Hornback's invention since these are equivalent substitutes and this is well known in the art as taught by Rowland et al.

20. Regarding claims 23, see examiner's comments on claims 22, and 2 above.

21. Regarding claims 24, see examiner's comments on claims 22, and 3 above.
22. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback in view of Ohta et al (US Patent No: 6577760).
23. Regarding claims 11, and 13-16, Hornback discloses a portable electronic photo album system that includes an electronic photo album comprising an electronic display, memory, a processing circuitry dedicated to displaying one or more digital images stored in memory, means for capturing the one or more digital images (see examiner's comments on claim 1 and note the digital camera in figure 7A) and an optional computer from which the photo album can download images (Hornback figure 4, item 404; page 7, lines 25-28). Hornback does not specifically state that the computer can receive the captured images from the image capture means and sends the images to the photo album for storage in memory. However, it is well known in the art to load images onto computers directly from some image capture means, such as a camera, and process them before storing them in other media and/or displaying them. Ohta et al disclose an image processing apparatus, method and system designed for editing or storing a plurality of images. In Ohta et al's invention images can be directly loaded onto a computer from digital still cameras, scanners, CD-ROMs, and floppy discs (Ohta et al figure 21; column 14, lines 57-67, column 15, lines 1-8). A computer such as the one described by Ohta et al would provide the user with enhanced image processing capabilities for processing the images before storing them into the photo album and also provide greater storage capacity. Therefore it would have been obvious to one of ordinary skill in the art to configure the device of Hornback to receive images from a

Art Unit: 2615

computer that were directly loaded onto the computer from image capture means such as digital still cameras, scanners, CD-ROMs, and floppy discs since this is well known in the art as taught by Ohta et al.

24. Regarding claim 12, see examiner's comments on claim 11 above and note that it is well known to use a common interface cable between the computer and one of the means for capturing the image such as the scanner (Ohta et al figure 21).

25. Regarding claim 17, see examiner's comments on claim 11 above and note that the computer in the combination of Hornback and Ohta et al includes application software for manipulating the captured digital images (Ohta et al column 5 lines 8-43).

26. Regarding claim 18, see examiner's comments on claim 11 above and note that the computer in the combination of Hornback and Ohta et al includes a monitor and that since the images are first processed (manipulated) and then sent to the album, then it is obvious that the album would display the final product exactly as it would appear on the computer's monitor.

27. Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback as applied to claims 1 and 30 above, and further in view of Eisele et al (US Patent No: 6089459).

28. Regarding claim 5, Hornback as applied to claim 1 above discloses all the limitations (see examiner's comments on claim 1) except wherein the electronic display also displays at least one user input location for advancing which digital image is displayed on the electronic display. Hornback's device has means for advancing which digital image is displayed but it is not shown on the display. It is well known in the art to

Art Unit: 2615

provide touch screens instead of control keys on the display of various devices. This would reduce the overall weight of the device and make it more compact. Eisele et al discloses a device for displaying graphical data that uses an optional touch screen provided for its control keys (Eisele et al column 8, lines 57-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Hornback's device with touch screen display in order to display at least one user input location for advancing which digital image is displayed on the electronic display using Eisele et al's teaching because this is well known in the art and doing so would make the device lighter and more compact.

29. Regarding claim 32, Hornback as applied to claim 30 above discloses all the limitations (see examiner's comments on claim 30) except wherein the processing circuitry displays image on the electronic display directly from image data stored on the memory card. Eisele et al discloses a device for displaying graphical data directly from a smart diskette that may include a flash card. Eisele et al's display device has no memory but uses the memory and the circuitry contained on the diskette/flash card combination. The device thus displays the data directly from the memory card (Eisele et al figure 3, items 103 and 200; figures 9a and 9b; figure 12 items 1201 and 1202; column 11 41-52; column 15 lines 8-12). Because additionally memory would not be provided in the display device, manufacturing and retail costs would be reduced. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Hornback's device for displaying images directly from image data stored on a memory card as taught by Eisele et al since this would provide

to the user the option of a less expensive device by utilizing common conventional removable memory storage media.

30. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback as applied to claim 6 above, and further in view of Akins et al (US Patent No: 5623280).

31. Regarding claim 7, Hornback discloses all the limitations (see examiner's comments on claim 6) except wherein the liquid crystal display is substantially flexible. Akins et al disclose a flexible liquid crystal display with touch sensitive screen and teach that the plastic substrates used in the manufacture of the flexible LCDs are thinner, lighter, less susceptible to breakage and lend themselves more readily to the manufacturing process. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the LCD in Hornback to be flexible since they would be less susceptible to damage, and would make the device lighter and more compact as taught by Akins et al.

32. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornback in view of Miki (US Patent No: 6393745).

33. Regarding claim 19, Hornback discloses all the limitations including a portable electronic photo album that includes: a housing; an electronic display, located within the housing, capable of displaying digital images; memory, located within the housing, that stores one or more digital images; and dedicated processing circuitry, located within the housing and being coupled to the memory and the display, the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in memory (see examiner's comments on claim 1). Hornback does

not disclose that the electronic photo album is part of an electronic photo album wallet that further comprises a body that includes one or more pockets for storing credit cards, and one or more pockets for storing money. Miki discloses an invention used for containing a display device and carrying the display device while displaying the images stored. Further Miki teaches that configurations such as handbags and briefcases are also contemplated as being suited for this invention. Images are displayed through a central aperture cut out of one of the walls of the container (Miki column 4 lines 58-65; column 5 lines 6-10). Also it is well known to store credit cards, and money in the various pockets that are normally provided in handbags, backpacks and briefcases. Providing a carry wallet for the electronic photo album would help to protect it from damage due to weather, accidental dropping and handling by the different persons that might be viewing the images stored thereon. All this would give the user of the electronic photo album a more secure device with added versatility. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hornback's device using Miki to provide a wallet as claimed by the applicant in claim 19 since this would give the user of the electronic photo album a more secure with added versatility.

34. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hornback and Miki as applied to claim 19 above, and further in view of Rowland.

35. Regarding claims 20 and 21, see examiner's comments on claims 19, 2 and 3 above.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lueder US Patent No: 6559918

Hoshino et al US Patent No: 6469770

Ishii et al US Patent No: 5396340

Komaki US Patent No: 5039846

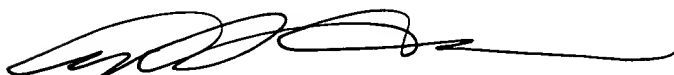
Takeuchi et al US Patent No: 4888648

Montalbano US Patent No: 5775668

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hedley Linton whose telephone number is (703) 305-4693. The examiner can normally be reached on 8am - 5:30pm, Mon-Thu and 8am-4:30pm Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (305) 305-4700.



**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Hedley Linton
Examiner
Art Unit 2615